IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8535 OF 2005

The State of Maharshtra .. Applicant.
Vs.
Sachin Anandrao Bhosale & Ors. .. Respondents.

Mrs.M.H.Mhatre A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 19TH JUNE, 2006

P.C.:

. Heard learned counsel for the parties.

2. This is an application under section 378(4) of the Code of Criminal Procedure seeking leave to appeal against the judgment and order dated 11th August, 2005 by which the respondent-accused have been acquitted of the offence punishable under sections 363, 366 read with 34 of the Indian Penal Code and section 3(1)(xi) of the S.C. & S.T. (Prevention of Atrocities) Act, 1989. The respondents were prosecuted on the allegations that on 13.7.2004 at about 10.00 a.m. in the area of Karmavir Bhaurao Patil High School, Bijawadi, the accused in furtherance of their common intention kidnapped Bhagyashree Bhosale and Priyanka Virkar with an intention to compel them to marry against their will and seduced them to keep physical relation. I perused the judgment and in

particular the observations made by the learned Judge on appreciation of evidence of P.W.1, 2 and 3 in paragraph 13 thereof. It is clear from the evidence of P.W.1 that Bhagyashree and Priyanka were not seen, as claimed by the prosecution, in company of the accused. None of the witness stated that the accused were, at the relevant, time seen in the company of Bhagyashree and Priyanka. There are no allegations of having kept physical relations with Bhagyashree and Priyanka by the accused persons. The evidence of P.W.2 is also hearsay. Considering the reasons recorded by the court below on appreciation of the evidence on record, the impugned judgment cannot be said to be unreasonable and perverse. The view taken by the court below is reasonably possible view. Moreover, no manifest illegality is alleged to have been committed by the trial Court while acquitting the accused for the said offences. In the circumstances, the application for leave to appeal is rejected.

(D.B.Bhosale, J.)